

BILL ANALYSIS

Senate Research Center
78S41482 ESH/JD-D

S.J.R. 9
By: Ogden
Finance
5/10/2004
As Filed

DIGEST AND PURPOSE

S.J.R. 9 proposes a constitutional amendment authorizing a state property tax for public education, prohibiting school district property taxes for maintenance purposes, and authorizing a school district property tax for educational enrichment.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1-e, Article VIII, Texas Constitution, as follows:

Sec. 1-e. Adds an exception provided by Section 3-a, Article VIII, Texas Constitution, to the requirement that no state ad valorem taxes be levied upon any property within this state.

SECTION 2. Amends Article VII, Texas Constitution, by adding Section 3-a, as follows:

Sec. 3-a. (a) Authorizes the legislature to impose ad valorem taxes at a rate not to exceed \$1.00 for each \$100 of taxable value, for elementary and secondary public free school purposes on real property and tangible personal property not otherwise exempted by this constitution or by the legislature.

(b) Authorizes the legislature, notwithstanding Section 23, Article VIII, Texas Constitution, to provide for the appraisal of property subject to state ad valorem taxes, for the equalization of taxable values, and for the collection of the state ad valorem taxes imposed on that property.

(c) Requires that state ad valorem taxes be assessed on the valuation of property subject to those taxes as determined by the appraisal officials in the county in which the property is located. Sets forth the conditions which authorize that an assessment of a state ad valorem tax on that valuation is not invalid if the appraisal review process conforms to the accepted standards and practices. Requires that this subsection expires at the end of the 2005 ad valorem tax year.

SECTION 3. Amends Section 3, Article VII, Texas Constitution, by amending Subsections (d) and (e) and adding Subsections (f)- (i), as follows:

(d) Authorizes the legislature, by general law, to provide for the management and control of the public schools. Deletes text requiring that the legislature be authorized to pass laws for the assessment and collection of taxes in all school districts.

(e) Authorizes a school district to impose an ad valorem tax on taxable property in the district for the purpose of providing an enriched educational program. Prohibits the rate

of the enrichment tax from exceeding \$0.15 for each \$100 of taxable value. Authorizes the legislature to provide state funding to supplement the yield of a tax levied under this subsection.

(f) Authorizes the legislature to provide for school districts to impose an additional ad valorem tax on all taxable property in the district for the erection and equipment of school buildings. Deletes language regarding whether such districts are composed of territory wholly within a county or in parts of two or more counties, and that the legislature may authorize an additional ad valorem tax to be levied and collected within all school districts for the further maintenance of public free schools.

(g) Prohibits a school district from imposing a tax under Subsection (e) or (f) of this section unless the tax is approved by a majority of the qualified voters of the district for that purpose.

(h) Authorizes the legislature to pass laws for the creation of junior college districts, the management and control of those districts, and the imposition of ad valorem taxes in those districts. Prohibits a junior college district from imposing a tax under this subsection unless the tax is approved by a majority of the qualified voters of the district voting at an election held for that purpose. Establishes, for purposes of this section, that a junior college district is not a school district.

(i) Provides that an ad valorem tax approved by the voters of a junior college district under this section before November 2, 2004, is not affected by the amendment of this section approved by the voters at an election held on November 2, 2004. Provides that a junior college district is not required to hold a new election to authorize an existing tax. Provides that this subsection expires January 1, 2005.

SECTION 4. Amends Section 3-b, Article VII, Texas Constitution, to replace references to the maintenance of public free schools with the phrase enrichment of public free schools and to make nonsubstantive changes.

SECTION 5. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held November 2, 2004. Requires the ballot to be printed to permit voting for or against a stated proposition.